

# SENATE . . . . . No. 964

---

## The Commonwealth of Massachusetts

PRESENTED BY:

**Moore, Richard (SEN)**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Prohibiting the Confiscation of Lawfully Owned Firearms During a State of Emergency**

PETITION OF:

| NAME:                   | DISTRICT/ADDRESS:                          |
|-------------------------|--|
| Moore, Richard (SEN)    | Worcester and Norfolk                      |
| George N. Peterson, Jr. | 9th Worcester                              |
| Stephen M. Brewer       | Worcester, Hampden, Hampshire and Franklin |
| Bradley H. Jones, Jr.   | 20th Middlesex                             |
| Geraldo Alicea          | 6th Worcester                              |
| Bruce E. Tarr           | First Essex and Middlesex                  |
| Michael O. Moore        | Second Worcester                           |
| Todd M. Smola           | 1st Hampden                                |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01401 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

---

**In the Year Two Thousand and Nine**

---

### **AN ACT PROHIBITING THE CONFISCATION OF LAWFULLY OWNED FIREARMS DURING A STATE OF EMERGENCY.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1   SECTION 1. Chapter 140 of the Massachusetts General Laws shall be amended by adding the  
2   following section;

3   Section 129E. Prohibiting the confiscation of lawfully owned firearms.

4       No government official or any person acting on behalf of the Commonwealth of  
5   Massachusetts shall order the confiscation of, or otherwise cause the confiscation of, any  
6   lawfully carried or lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

7       No law enforcement officer, person acting as a law enforcement officer, or other public  
8   official shall confiscate or attempt to confiscate any lawfully carried or lawfully owned firearm,  
9   rifle, shotgun, machinegun or ammunition.

10       Whoever violates the provisions of this section shall be subject to a civil fine of not less than  
11       \$500 nor more than \$5,000 for each firearm unlawfully confiscated or by imprisonment in a state  
12       prison for not more than two and one-half years.

13       Nothing in this section shall prohibit the confiscation of a firearm, rifle, shotgun, machinegun  
14       or ammunition from any person who;

15       (a)   Has been placed under arrest;

16       (b)   Who is the subject of a protection order issued under Chapter 209A;

17       (c)   Has had their Firearm Identification Card or License to Carry revoked or suspended.